

**FOULSTON  SIEFKIN LLP**

ATTORNEYS AT LAW

Bank of America Center  
100 N. Broadway, Suite 700  
Wichita, Kansas 67202-2295  
316.267.6371  
Fax 316.267.6345

Kevin J. Arnel  
316.291.9761  
karnel@foulston.com

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**TELECOPIER COVER SHEET**

DATE: January 26, 2005

TO: Committee for Purchase from People Who are Blind or Severely Disabled

Fax No.: 703-603-0655

Total Pages: ( 4 )

FROM: Kevin J. Arnel  
FS Client Number: 39578  
Matter Description: 1

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# FOULSTON SIEFKIN LLP

555 S. Kansas Ave., Suite 101  
 Topeka, Kansas 66603-3423  
 785.233.3600  
 Fax 785.233.1610

ATTORNEYS AT LAW

Bank of America Center  
 100 N. Broadway, Suite 700  
 Wichita, Kansas 67202-2295  
 316.267.6371  
 Fax 316.267.6345

40 Corporate Woods, Suite 1050  
 9401 Indian Creek Parkway  
 Overland Park, Kansas 66201-0219  
 913.498.2100  
 Fax 913.498.2101

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January 26, 2005

**Via E-mail and U.S. Mail & Fax**

Committee for Purchase from People  
 Who Are Blind or Severely Disabled  
 1421 Jefferson Davis Highway  
 Jefferson Plaza 2, Suite 10800  
 Arlington, VA 22202-3259

RE: Docket No. 2004-01-01; Governance Standards for Central Nonprofit Agencies and Nonprofit Agencies Participating in the Javits-Wagner-O'Day Program Notice of Proposed Rulemaking and Request for Comments; 69 Fed. Reg. 65395 (November 12, 2004)

Dear Committee Members:

On behalf of my client, Envision, Inc. ("Envision"), I am submitting the following comments on the above-referenced Notice of Proposed Rulemaking ("Notice"). Envision is a Kansas nonprofit corporation which is tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"). Envision's charitable mission is to provide services and benefits to persons who are blind or low vision. Envision's employment program seeks to develop jobs and other economic opportunities for persons who are blind through the Javits-Wagner-O'Day Act ("JWOD") Program.

The Notice solicits comments on the proposed governance standards that your Committee asserts will help: i) promote sound governance procedures for the various nonprofit agencies participating in the JWOD Program, ii) ensure the effective and transparent administration of Government contract funds, and iii) maintain a high level of support for the JWOD Program's employment mission. Citing isolated instances of alleged mismanagement, the Committee has proposed rules that would restrict participation in the JWOD Program to non-profit agencies that agree to abide by certain Committee-imposed restrictions on their internal board governance practices and limitations on the compensation paid to agency executives.

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For the reasons referenced below, Envision believes that the proposed rules are both unnecessary and beyond the scope of the Committee's regulatory authority. Envision further believes that the proposed rules will adversely impact the Committee's ability to promote and administer the JWOD Program, since the Committee has neither the staff nor the other resources which would be required to assume the additional responsibilities that would result from the rules becoming final.

Envision believes that if the proposed rules become final, the JWOD Program will suffer irreparable damage and the agencies that provide services to the blind will be subject to burdensome, expensive, and unnecessary regulations. Accordingly, the net result of finalizing the proposed rules would be that Envision will have less time and resources with which to serve the blind, and the Committee will create an unnecessary and costly bureaucracy to accredit and regulate several hundred agencies that are already subject to, and comply with, a myriad of rules regarding the subject matter of the proposed rules.

Envision is a member of the National Association for the Employment of People Who Are Blind ("NAEPB"). As you are aware, the NAEPB is a national association and its constituent members, like Envision, are nonprofit agencies who serve the blind through the JWOD Program, as well as through various private and public programs designed to improve employment prospects for persons who are blind so that they may achieve personal and financial independence.

Envision will avoid the redundancy of repeating its positions, and those expressed by the NAEPB, in this submission. Accordingly, in support of its position, Envision adopts, and incorporates by reference, the positions set forth in i) its comments on the information collection and certifications aspects of the above referenced notice of proposed rulemaking submitted to the Committee by its President and CEO, Linda Merrill, on December 14, 2004, ii) the NAEPB's comments on governance standard submitted to the Committee on January 14, 2005, and iii) the NAEPB's comments on the information collection and certifications and required determinations aspects of the above-referenced notice of proposed rulemaking submitted to the Committee on December 13, 2004.

In conclusion, Envision supports action that will substantively enhance the JWOD Program. Envision does not support any organization's abuse of its non-profit status. The Notice acknowledges that the overwhelming majority of JWOD affiliated agencies conduct business in an ethical and accountable manner, and Envision urges the Committee to conclude that even if it has the legal authority to adopt regulations in this area, that such a response does not justify the burden and expense it will place on hundreds of non-profit agencies that are clearly acting within the law. Simply put, there is no need for the Committee to attempt to usurp the authority of numerous state and federal regulatory bodies by imposing the requirements contained in the proposed rules.

Envision respectfully submits that the Committee's proposed rulemaking is unlawful as it exceeds the Committee's authority and the scope of its Congressional mandate. Moreover, if finalized, the proposed rules will likely result in the reduction of employment and training opportunities for the blind and severely disabled, consequences that are squarely at odds with the

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fundamental purpose of the JWOD Program. Accordingly, Envision respectfully requests that the proposed rulemaking be withdrawn.

Very truly yours,

FOULSTON SIEFKIN LLP

A handwritten signature in black ink, appearing to read "Kevin J. Arnel", is written over the printed name.

Kevin J. Arnel

KJA:cl

cc: Linda K. Merrill